

RECEIVED
IN MONROE, LA
JUL 7 - 2008
ROBERT H. SHEMWELL, CLERK
WESTERN DISTRICT OF LOUISIANA

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF LOUISIANA

MONROE DIVISION

LACY KING, ET AL

CIVIL ACTION NO.: 07-0625

VERSUS

JUDGE JAMES

DR. DONALD PERRY, ET AL

MAGISTRATE JUDGE HAYES

JUDGMENT APPROVING SETTLEMENT

Considering the foregoing Joint Petition for Authorization to Settle Medical Malpractice Claim^[Doc. No. 37] with reservation of rights to seek excess damages against the Louisiana Patient's Compensation Fund Oversight Board:

IT IS HEREBY ORDERED that the settlement reached between plaintiffs, Lacy King et al, and defendants, as described in the Joint Petition for Authorization to Settle Medical Malpractice Claim, be and the same is hereby **APPROVED**;

IT IS FURTHER ORDERED that payment be made by Dr. Chime Adiele and his insurer, Louisiana Medical Mutual Insurance Company, to plaintiffs and their attorneys in the total amount of \$75,000.00.

IT IS FURTHER ORDERED that plaintiffs shall reserve all rights under the law against all parties, including the Louisiana Patient's Compensation Fund Oversight Board, in accordance with LSA-R.S. 40:1299.44C, and all other applicable provisions of state and federal law.

IT IS FURTHER ORDERED that Chime Adiele, M.D. and Donald Perry, M.D. shall remain as nominal defendants in this lawsuit solely for the purpose of plaintiffs' lawsuit against the Louisiana Patient's Compensation Fund Oversight Board and limited to the extent that these

healthcare providers are "qualified" under the Louisiana Medical Malpractice Act and any amounts that may be payable by the Louisiana Patient's Compensation Fund Oversight Board on their behalf. As nominal defendants, there cannot and will not be any sums paid by Louisiana Medical Mutual Insurance Company on behalf of either of these two nominal defendants, other than as indicated above on behalf of Chime Adiele, M.D., and there cannot and will not be any sums payable by either of these two nominal defendants personally. In all other respects, Chime Adiele, M.D., Donald Perry, M.D. and Louisiana Medical Mutual Insurance Company are hereby **DISMISSED**.

IT IS FURTHER ORDERED that plaintiffs shall reserve all rights as against the UNITED STATES OF AMERICA, to the extent that the UNITED STATES OF AMERICA has been substituted as defendant for Donald Perry, M.D. with regard to any allegations of fault arising out of Donald Perry, M.D.'s treatment of Beatrice King on January 3, 2001, insofar as those claims are covered under the Federal Tort Claims Act.

IT IS FURTHER ORDERED that the Louisiana Patient's Compensation Fund Oversight Board's request for trial by jury is hereby **GRANTED**.

THUS DONE AND SIGNED this 7 day of July, 2008,
in Monroe, Ouachita Parish, Louisiana.



JUDGE